

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Francis J. Cehelsky**  
**aka Frank Cehelsky**  
**Lorraine A. Cehelsky**  
**aka Lorraine A. Slutiak-Cehelsky**  
Debtor(s)

Bankruptcy Case No.: 15-24323-CMB  
Issued Per Apr. 13, 2017 Proceeding  
Chapter: 13  
Docket No.: 74 – 65, 66  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 21, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$5,239 as of April 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Santander Consumer Discount Co. at Claim No. 16 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: April 21, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Francis J. Cehelsky  
 Lorraine A. Cehelsky  
 Debtors

Case No. 15-24323-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Apr 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 23, 2017.  
 db/jdb

+Francis J. Cehelsky, Lorraine A. Cehelsky, 5 Wellington Court,  
 Mc Kees Rocks, PA 15136-1377  
 cr +BMW Financial Services NA, LLC, P.O. Box 201347, Arlington, TX 76006-1347  
 cr +First Commonwealth Bank, successor by merger to Pi, McGrath McCall, P.C.,  
 Four Gateway Center, Suite 1040, 444 Liberty Avenue, Pittsburgh, PA 15222-1220  
 cr +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 225 North Shore Drive,  
 Pittsburgh, PA 15212-5861  
 14162161 AMERICAN EXPRESS CENTURION BANK, C/O BECKETT AND LEE LLP, POB 3001, MALVERN, PA 19355-0701  
 14143668 +AMX, c/o Becket & Lee, PO Box 3001, 16 General Warrent Blvd., Malvern, PA 19355-1245  
 14143669 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998-2235)  
 14150120 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 14143672 Chase, PO Box 15298, Wilmington, DE 19850-5298  
 14143673 Chase/Amazon, PO Box 15298, Wilmington, DE 19850-5298  
 14143674 +CitiBank, PO Box 6500, Sioux Falls, SD 57117-6500  
 14143675 Discover, Golden Valley Club Drive, Minneapolis, MN 55427  
 14143676 +Discover Bank, 6681 Country Blub Drive, Minneapolis, MN 55427-4601  
 14204522 ECAST SETTLEMENT CORPORATION, PO BOX 29262, NEW YORK, NY 10087-9262  
 14390883 +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040,  
 444 Liberty Avenue, Pittsburgh, PA 15222-1225  
 14143680 Home Depot, c/o Chase Card Services, PO Box 15298, Wilmington, DE 19850-5298  
 14143681 Kohl's, Customer Service & Operation Center, N54 W13600, Menomonee Falls, WI 53051  
 14209458 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982  
 14207776 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982  
 14143686 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 14143684 +PNC Bank, 6750 Miller Road, Brecksville, OH 44141-3239  
 14362188 +SANTANDER CONSUMER USA, INC., P.O. BOX 560284, DALLAS, TX 75356-0284

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bk.notifications@jpmchase.com Apr 22 2017 01:11:56 JPMorgan Chase Bank N.A.,  
 201 N Central Ave, AZ1-1191, Phoenix, AZ 85004-0073  
 cr E-mail/PDF: rmscedi@recoverycorp.com Apr 22 2017 01:13:55  
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 14162123 E-mail/PDF: ais.bmw.ebn@americaninfosource.com Apr 22 2017 01:13:58  
 BMW Financial Services NA, LLC, P.O. Box 3608, Dublin, OH 43016  
 14143671 E-mail/PDF: gecsed@recoverycorp.com Apr 22 2017 01:13:50 BP / Synchrony Bank,  
 PO Box 965060, Orlando, FL 32896-5060  
 14333180 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Apr 22 2017 01:13:51  
 Capital One Auto Finance,, a division of Capital One N.A., Ascension Capital Group,  
 P.O. Box 165028, Irving, TX 75016-5028  
 14148077 E-mail/Text: mrdiscen@discover.com Apr 22 2017 01:11:38 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14211519 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Apr 22 2017 01:13:28 Duquesne Light Company,  
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,  
 Pittsburgh, PA 15219-1945  
 14143678 E-mail/Text: bankruptcynotice@fcbanking.com Apr 22 2017 01:11:45 First Commonwealth Bank,  
 PO Box 400, Indiana, PA 15701-0400  
 14208239 E-mail/Text: bk.notifications@jpmchase.com Apr 22 2017 01:11:56 JPMorgan Chase Bank, N.A.,  
 National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505  
 14143682 +E-mail/PDF: gecsed@recoverycorp.com Apr 22 2017 01:13:50 Lowe's/Synchrony Bank,  
 PO Box 965004, Orlando, FL 32896-5004  
 14211459 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 22 2017 01:14:14  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14144571 E-mail/PDF: rmscedi@recoverycorp.com Apr 22 2017 01:13:56  
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 14211063 E-mail/PDF: gecsed@recoverycorp.com Apr 22 2017 01:13:50 Synchrony Bank,  
 c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605  
 TOTAL: 13

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
 cr Financial Services Vehicle Trust  
 cr JPMORGAN CHASE BANK, N.A.  
 14143670 BMW Finance  
 14143683 Mazda Finance

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 35

Date Rcvd: Apr 21, 2017

14143677\* +Discover Bank, 6681 Country Blub Drive, Minneapolis, MN 55427-4601  
14143679\* ++FIRST COMMONWEALTH BANK, PO BOX 400, INDIANA PA 15701-0400  
(address filed with court: First Commonwealth Bank, PO Box 400, Indiana, PA 15701-0400)  
14143685\* +PNC Bank, 6750 Miller Road, Brecksville, OH 44141-3239

TOTALS: 5, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 23, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 21, 2017 at the address(es) listed below:

Gary W. Darr on behalf of Creditor First Commonwealth Bank, successor by merger to Pittsburgh Home Savings Bank gdarr@lenderlaw.com  
James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, N.A. bkgroup@kmlawgroup.com  
Kenneth Steidl on behalf of Debtor Francis J. Cehelsky julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com  
Kenneth Steidl on behalf of Joint Debtor Lorraine A. Cehelsky julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com  
Martin A. Mooney on behalf of Creditor Financial Services Vehicle Trust tshariff@schillerknapp.com, tshariff@ecf.courtdrive.com; kcollins@schillerknapp.com  
Martin A. Mooney on behalf of Creditor BMW Financial Services NA, LLC tshariff@schillerknapp.com, tshariff@ecf.courtdrive.com; kcollins@schillerknapp.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; cabbott@ecf.courtdrive.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com, Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com  
William E. Craig on behalf of Creditor JPMorgan Chase Bank N.A. mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com; mhazlett@mortoncraig.com

TOTAL: 11